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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 FRANK TADDEO, *et al.*,

11 Plaintiffs,

12 v.

13 AMERICAN INVSCO CORPORATION,  
14 *et al.*,

15 Defendants.

Case No. 2:08-CV-01463-KJD-RJJ

**ORDER**

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17 Before the Court is the Motion to Dismiss of Commonwealth Land Title Insurance Company  
18 and Fidelity National Title Agency of Nevada, Inc. (#746). Plaintiffs have filed a Statement of No  
19 Position with respect to the motion.

20 Commonwealth and Fidelity move for a dismissal for failure to prosecute pursuant to Rule  
21 41(b) of the Federal Rules of Civil Procedure. The Court's September 30, 2010 ordered the  
22 Plaintiffs to file a more definite statement with respect to Commonwealth and Fidelity by October  
23 30, 2010. Plaintiffs filed their Third Amended Complaint and did not include Commonwealth or  
24 Fidelity as parties. Plaintiffs have failed to oppose this motion and, accordingly, dismissal is granted.  
25 Further, since this Motion is not based upon lack of jurisdiction, improper venue, or failure to join a  
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1 party, this motion is granted as an adjudication on the merits of the causes of action previously  
2 alleged against Commonwealth and Fidelity. See Fed. R. Civ. P. 41(b)

3 Accordingly, **IT IS HEREBY ORDERED** that the Motion to Dismiss of Commonwealth  
4 Land Title Insurance Company and Fidelity National Title Agency of Nevada, Inc. (#746) is  
5 **GRANTED.**

6 DATED this 6th day of September 2011.

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10 Kent J. Dawson  
United States District Judge  
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